

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4943-01
Bill No.: HB 2109
Subject: Crimes and Punishment; Health Dept.; Mental Health Dept.; Social Services Dept.
Type: Original
Date: April 2, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health (DMH)** stated the proposed legislation has the potential to increase requests for records. However, it will not cause any significant impact to the DMH.

Officials from the **Department of Health and Senior Services** and **Department of Public Safety - Missouri Highway Patrol** assumes the proposed legislation will have no fiscal impact on their organizations.

Officials from the **Department of Social Services (DOS)** assume the proposed legislation will have no fiscal impact on their organization. With the transfer of the Division of Aging to the Department of Health and Senior Services, the DOS no longer maintains an employee disqualification list. The Division of Family Services does maintain the Child Abuse and Neglect Registry, but there is no way to tell if this bill meant to reference that registry.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposed legislation may result in a negative administrative impact to small business mental health providers.

DESCRIPTION

This bill revises provisions pertaining to the disclosure of confidential mental health information by the Department of Mental Health and provisions pertaining to the employment disqualification registry maintained by the department. The bill:

DESCRIPTION (continued)

(1) Authorizes mental health facilities to disclose information and records to the Department of Health and Senior Services for the purposes of reporting or investigating abuse, neglect, or violation of the rights of patients, clients, or residents; (2) Authorizes the department to disclose suspected reports of

mental health patient abuse and investigative reports to the Department of Health and Senior Services. The department is required to maintain the confidentiality of any information, report, or record received;

(3) Prohibits persons listed on the disqualification registry of the departments of Mental Health, Health and Senior Services, and Social Services or persons who plead guilty or who enter a plea of nolo contendere to any crime from working at any facility or day program operated, funded, or licensed by the department; (4) Prohibits persons who enter a plea of guilty or nolo contendere to specified felonies against another person or persons who violate the reporting requirements concerning the abuse or neglect of patients in long-term care facilities from working in any direct care position in any public or private facility or day program operated, funded, or licensed by the department; and (5) Disqualifies persons who receive a suspended imposition of a sentence or a suspended execution of a sentence following a plea of guilty from working in any mental health facility or day program or working in any mental health direct care position.

The appeal of a disqualification by a person to the Director of the Department of Mental Health or the director's designee does not cover persons listed on the disqualification lists of the departments of Social Services and Health and Senior Services or persons disqualified from employment for committing specified crimes.

Applicants for a direct care position in any public or private facility, day program, or specialized service operated, funded, or licensed by the department are required to sign a consent form for a criminal record review.

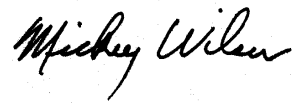
Persons who receive a "good cause" waiver issued by the Department of Health and Senior Services are not required to receive an additional exception required by the bill for the purpose of obtaining employment in a licensed long-term care facility.

Public and private residential facilities, day programs, and specialized services operated, funded, or licensed by the department who hire a person in a full-time, part-time, or temporary position are required to request a criminal background check and to check the disqualification lists of the departments of Social Services, Health and Senior Services, and Mental Health no later than two business days after the person begins employment.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health
Department of Health and Senior Services
Department of Social Services
Department of Public Safety - Missouri Highway Patrol

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Mickey Wilson, CPA
Acting Director
April 2, 2002